

## REMARKS

This response is to the Office Action mailed on 07/12/2010.

### **From the action:**

This action is non-final in response to communication filed on 05 August 2009. Claims 1-6, 8-31 and 33 are pending in the application. Claims 1-6, 8-31 and 33 are rejected.

### **Applicant's response:**

Acknowledged

### **From the action:**

A telephonic interview was conducted on 22 March 2010 between AZIZUL CHOUDHURY, VIVEK SRIVASTAVA (SPE), and DONALD BOYS. Exhibit was shown or demonstration was conducted. Claims 1 was discussed. Identification of prior art CHAO (5,964,837) & LAMB (6,747,970) were discussed. Agreement with respect to the claims was reached.

*The applicant's representative explained to the examiner's SPE how the latest rejection was based on non-analogous art (Chao). Both the SPE and applicant's representative agreed on this matter. The applicant's representative was assured that a new search and new office action will be provided, which will be reviewed by a Primary examiner and the SPE prior to mailing.*

### **Applicant's response:**

Acknowledged

**From the action:**

Claims 1-6, 8-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al (US Patent No: 6,493,447) in view of Vardi et al (US Patent No: 6,389,127), hereafter referred to as Goss and Vardi, respectively.

With regards to claims 1 and 19, Goss teaches through Vardi teaches a network including a communication center and a plurality of clients using communication devices, a system enabling agents of the communication center to best communicate with the clients and client devices, including configuring call-back options and preferences, the system comprising:

- customer presence software executing at each client device for monitoring client and client device status (Goss teaches an applet running on the customer's side; see at least column 9, lines 65-67, Goss. The applet permits the monitoring of the customer's status; see at least column 17, lines 5-16, Goss); and
- a communication-center presence software executing in the communication center for receiving information from the customer presence software (Goss teaches another applet running on the agent's side that synchronizes data with the applet on the customer side; see column 9, lines 65-67 and column 2, line 61 - column 3, line 2, Goss);
- characterized in that the customer presence software monitors real-time client and client device status at each client device including on-line/offline status of the client and client devices and the client's callback preferences including medium preferences and client device preferences, communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center (Goss teaches the applets on the agent and customer side synchronizing data between one another; see column 2, line 61 - column

3, line 2, Goss. The applets permit the monitoring of the customer's status including connection status; see column 17, lines 5-16, Goss. Goss also teaches providing the customer a callback screen through which the customer can select callback preferences; see column 11, lines 5-10, Goss. These preferences include the selection of callback mediums; see column 11, lines 43-48, Goss).

While Goss teaches a callback system that provides status information, Goss does not explicitly teach the status information includes the status of the client and the client device being available. In the same field of endeavor, Vardi also teaches a callback system; see column 1, lines 56-58, Vardi. Within Vardi's disclosure it is taught how the status information includes connection/device status (such as on-hook (on-line); see column 6, lines 9-15 and lines 26-28, Vardi) and logical/user status (such as available for calls; see column 6, lines 29-32 and column 7, lines 26-30, Vardi). Providing user and device status information helps ensure a callback is provided at the best time. Therefore it would have been obvious to one skilled in the art, during the time of the invention to have combined the teachings of Goss with those of Vardi, for the purpose of providing callback to a user when the user is available; see column 7, line 65 - column 8, line 6, Vardi.

**Applicant's response:**

With regards to claims 1 and 19, the Examiner states, "Goss teaches through Vardi teaches a network including a communication center". Applicant does not understand if Goss teaches, Vardi teaches, or if the teachings of Goss are interpreted in light of the teachings of Vardi. Because the referenced portion of text supporting the statement refer to Goss, applicant must assume this statement was an error and that the teachings come exclusively from Goss.

Applicant believes the Examiner may be misinterpreting the art of Goss in the above rejection. Applicant believes that functions the Examiner equates to the java

applet of Goss, (i.e. monitoring) are actually performed by a contact server connected to an agent station over a LAN for monitoring availability of the agent.

Applicant claims customer presence software executing at each client device for monitoring client and client device status. The Examiner provides col. 9, lines 65-67 and col. 17, lines 5-16 to support the statement. Column 9 teaches that Java applets are downloaded to the agent station and the customer in order to allow simultaneous viewing of an html Web page. Column 17, lines 5-16 of Goss teach functions of a contact server operating as depicted in Fig. 5 of Goss (col. 14, lines 60-63). Applicant argues that these functions are not carried out at the customer premises or by the applet downloaded to either the agent or the customer. Therefore, applicant argues that the Examiner has not shown in the art where customer presence software is monitoring for customer status and communicating that status to presence software at a call center.

The Examiner states Goss teaches, "a communication-center presence software executing in the communication center for receiving information from the customer presence software (Goss teaches another applet running on the agent's side that synchronizes data with the applet on the customer side; see column 9, lines 65-67 and column 2, line 61 - column 3, line 2." Applicant argues that the applet at the agent's station does not receive information relating to client and client device status, as claimed. The applet at the agent is only capable of sharing html documents or other live communication, i.e. chat via the applet at the customer, said applets restricted to operation on a browser, so only data packet communication can take place. An ability to synchronize data cannot read on receiving information monitored at the client station, as claimed in applicant's invention. Although the applet at the customer in Goss allows the customer to specify a preferred call back method and time, this information is sent to the contact server, not presence software at the communication center, as claimed. Applicant points out that any and all monitoring functions are taught in Goss at the contact server monitoring its own sockets for communication requests from an applet. The applet itself performs no local monitoring in Goss.

The Examiner states that, "While Goss teaches a callback system that provides status information, Goss does not explicitly teach the status information includes the status of the client and the client device being available". As previously argued, Goss fails to teach status information or any type of monitoring being done between two instances of presence software, one being at a communication center, and one instance being at a client/customer. Therefore, the combination with Valdi would not be successful in teaching the elements and functions claimed in applicant's invention. Claims 1 and 19 are clearly patentable over the art of Goss and Valdi, either singly or in combination.

**From the Action:**

With regards to claims 2 and 20, Goss teaches through Vardi, the system, wherein the network is a data-packet-network (Goss supports the use of TCP/IP and the Internet; see column 1, line 60 - column 2, line 13, Goss).

With regards to claims 3 and 21, Goss teaches through Vardi, the system, wherein the data-packet-network is the Internet network (Goss supports the use of TCP/IP and the Internet; see column 1, line 60 - column 2, line 13, Goss).

With regards to claims 4 and 22, Goss teaches through Vardi, the system, wherein the communication center markets products and or service to the clients (Goss teaches the client receiving a callback from a business (communication center marketing products/services); see claim 1, Goss).

With regards to claim 5, Goss teaches through Vardi, the system, wherein the agents are human resources employed by the communication center (see column 13, line 4 and Figure 11, Goss).

With regards to claim 6, Goss teaches through Vardi, the system, wherein the agents are automated systems implemented in hardware and software at the communications center (Goss permits the agent/operator to be live or automated); see column 13, line 4, Goss).

With regards to claim 8, Goss teaches through Vardi, the system, wherein an alert is propagated to clients (see column 6, lines 19-21, Goss).

With regards to claims 9, 29 and 30, Goss teaches through Vardi, the system, wherein the alert indicates one or more of status of the communication center, including one or more of the number of calls in queue and the estimated waiting time, and a time for callback, enabling the client to plan or to initiate a call with high probability of success (see column 8, lines 11-18 and column 11, lines 49-65, Goss).

With regards to claim 10, Goss teaches through Vardi, the system, wherein optional callback or alert mediums include cellular, IP, and wired communications mediums (see column 5, lines 28-30 and column 11, lines 43-45 and column 14, lines 52-55, Goss and column 6, line 60 - column 7, line 11, Vardi).

With regards to claims 11 and 31, Goss teaches through Vardi, the system, wherein the optional callback or alert devices include cellular telephones, pagers, telephones, computer stations, handheld computers, and laptop computers (see column 5, lines 10-13, Goss and column 6, line 60 - column 7, line 11, Vardi).

With regard to claims 12 and 33, Goss teaches through Vardi, the system, wherein the client-status information provided to an agent automatically updates periodically (see at least column 8, lines 60-63, Goss).

With regards to claim 13, Goss teaches through Vardi, the system, wherein the client-status information is continually streamed to the subscribing agent-user during a session with a client (see at least column 7, lines 44-53 and column 8, lines 60-63, Goss).

With regards to claims 14, 26 and 27, Goss teaches through Vardi, the system, wherein the transfer of client-status information is by instant messaging technology (see at least column 8, lines 64-65, Goss).

With regards to claim 15, Goss teaches through Vardi, the system wherein the customer presence software executing at the client devices for monitoring client and device status is provided by a host of the communication center (see applet at customer end; see column 9, lines 64-65, Goss), and the communication center presence software executing in the communication center communicates directly with the customer presence software executing at the client device (see column 9, line 66 - column 10, line 2, Goss).

With regards to claim 16, Goss teaches through Vardi, the system wherein one or more instances of customer presence service software are provided by a third party presence service provider, and further comprising a presence service server operating in the network and communicating with both the instances of the presence service software and the communication center presence software executing at the communication center (see contact server; see column 1, line 61 - column 2, line 2, Goss).

With regards to claim 17, Goss teaches through Vardi, the system wherein the network is one or a combination of the Internet network, a wireless cellular telephone network, or a public service telephone network (See column 1, line 64 and column 2, lines 20-21, Goss. Also see column 6, line 60 - column 7, line 11, Vardi).

With regards to claim 18, Goss teaches through Vardi, the system wherein one or more instances of the customer presence software are provided by the communication center host, and one or more instances are provided by a third party presence service provider, and wherein two or more client devices executing presence software are associated with a single client, the communication center presence software providing thereby regularly updated and integrated presence status over the multiple devices for the single client (Vardi teaches a user having more than one device; see column 5, lines 47-50, Vardi).

With regards to claim 23, Goss teaches through Vardi, the method wherein in step (a), the presence software executing at a client device is provided by a third party service provider (see column 9, lines 64-65, Goss), and client status information is communicated through a third party server to the communication center presence software (see contact server; see column 1, line 61 - column 2, line 2, Goss).

With regards to claim 24, Goss teaches through Vardi, the method wherein in step (a), the presence software executing at a client device is provided by the host of the communication center, and the communication center presence software communicates directly with the client presence software (see column 9, line 64 - column 10, line 2, Goss).

With regards to claim 25, Goss teaches through Vardi, the method wherein in step (b), the communication center presence software operates in a call-waiting queue of the communication center (see column 9, lines 66-67, Goss).

With regards to claim 28, Goss teaches through Vardi, the method wherein in step (b), on-line/off-line status information is communicated in the form of instant messages containing the information and callback preference information is communicated through



an electronic information page (see column 2, lines 55-56 and column 11, lines 8-10 and lines 43-65, Goss).

The obviousness motivation applied to claims 1 and 19 are applicable towards their respective dependent claims.

**Applicant's response:**

With regards to claim 18, the Examiner states, "With regards to claim 18, Goss teaches through Vardi, the system wherein one or more instances of the customer presence software are provided by the communication center host, and one or more instances are provided by a third party presence service provider, and wherein two or more client devices executing presence software are associated with a single client, the communication center presence software providing thereby regularly updated and integrated presence status over the multiple devices for the single client (Vardi teaches a user having more than one device; see column 5, lines 47-50, Vardi).

Applicant argues that Goss merely teaches that one client can have a plurality of phone numbers and an offline or online status of those numbers can be detected. Applicant claims wherein two or more client devices executing presence software are associated with a single client. Applicant does not believe that Vardi teaches said limitation.

Further, applicant believes that the Examiner has failed to give proper obviousness reasoning for making combinations of Valdi and Goss in dependent claims 2-6, 8-18, 20-31 and 33, which is required for every claim under examination. Applicant believes that said dependent claims are patentable on their own merits, or at least as depended from a patentable claim.

### **Summary**

As all of the claims, as argued above, have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests reconsideration and the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted  
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